

taining 12 2-pound jars, at Greenville, S. C.; and 247 cases, each containing 24 6-ounce jars, at East St. Louis, Ill.

**LABEL, IN PART:** (Jars) "Armour's Star Peanut Butter \* \* \* 6 Oz. Avoir. Net [or "2 Lbs. Net"] Armour and Company Distributors \* \* \* Chicago, Ill., or "Fresh Maid Peanut Butter Net 1 Lb. [or "Net 12 Oz.]."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), (lot at Greenville) the product consisted in whole or in part of a filthy substance by reason of the presence of dirt.

Misbranding (remaining lots), Section 403 (a), the statements which appeared on the labels (149 cases) "Net 1 Lb.," (98 cases) "Net 12 Oz.," and (247 cases) "6 Oz. Avoir. Net," were false and misleading as applied to the articles, which were short-weight; and, Section 403 (e) (2), the article was in package form and its label failed to bear an accurate statement of the quantity of the contents.

**DISPOSITION:** December 14, 1943. The Dillon Candy Co., Inc., claimant for the Pulaski lots, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under Government supervision. No claimant having appeared for the remaining lots, judgments of condemnation were entered on March 21 and April 24, 1944, and the Greenville lot was ordered shipped to a Federal penitentiary, to be used as animal feed, and the East St. Louis lot was ordered delivered to the United States Army.

**6381. Adulteration and misbranding of Choc-O-P'Nut But'r Spread. U. S. v. 25 Cases of Choc-O-P'Nut But'r Spread. Default decree of condemnation. Product ordered delivered to a local institution. (F. D. C. No. 10917. Sample No. 39493-F.)**

**LIBEL FILED:** October 18, 1943, District of Arizona.

**ALLEGED SHIPMENT:** On or about August 27, 1943, by Elizabeth Moté, Hollywood, Calif.

**PRODUCT:** 25 cases, each containing 24 14½-ounce jars, of Choc-O-P'Nut But'r Spread, at Hollbrock, Ariz.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), a mixture consisting of peanuts, sugar, water, corn sirup, dextrose, cocoa or chocolate, and salt had been substituted for "Chocolate Flavored Peanut Butter," which the article purported to be.

Misbranding, Section 403 (a), the prominent designation, "Choc-O-P'Nut But'r Chocolate Flavored Peanut Butter Spread," which appeared on the labeling, was false and misleading as applied to the article, since it implied that the product was peanut butter flavored with chocolate; Section 403 (b), it was offered for sale under the name of another food, "Choc-O-P'Nut But'r Chocolate Flavored Peanut Butter Spread," which should consist only of chocolate-flavored peanut butter; and, Section 403 (f), the ingredient statement required by law to appear on the label, was not prominently placed thereon (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase, since it appeared in small print on a side panel.

**DISPOSITION:** March 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local institution.

**6382. Misbranding of peanut butter. U. S. v. 24 Cases and 36 Cases of Peanut Butter. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 11666, 11667. Sample Nos. 49018-F, 49176-F, 49177-F.)**

**LIBELS FILED:** January 18 and 19, 1944, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about November 11 and 22, 1943, by Food Specialties, Inc., Indianapolis, Ind.

**PRODUCT:** Peanut butter: 24 cases, each containing 24 1-pound jars, at Cincinnati, Ohio; 15 cases, each containing 24 1-pound jars; and 21 cases, each containing 24 9-ounce jars, at Dayton, Ohio.

**LABEL, IN PART:** (Jar) "Ambassador Net Wt. 1 Lb. [or "9 Ozs."] Peanut Butter."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statements which appeared in the labeling, "Net Wt. 1 Lb.," or "Net Wt. 9 Ozs.," were false and misleading as applied to the article, which was short-weight; and, Section 403 (e) (2), it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** February 8, 1944. Food Specialties, Inc., having admitted the facts in the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**6383. Adulteration of pecan halves. U. S. 294 Cases and 325 Cases of Pecan Halves. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 11741. Sample Nos. 23899-F, 51008-F.)

**LIBEL FILED:** February 2, 1944, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 24 and 30, 1942, from St. Louis, Mo.

**PRODUCT:** 619 60-pound cases of pecan halves at Philadelphia, Pa., in possession of the Philadelphia Warehouse & Cold Storage Co.

The article was stored under insanitary conditions after shipment. Live mice were seen around the lots of pecans. Some cases had been gnawed, and the nuts were spilled. Rodent excreta and urine stains were found on the cases. Examination of samples showed that the product contained rodent hairs.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

**DISPOSITION:** February 10, 1944. The Breyer Ice Cream Co., Millerstown, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed or denatured under the supervision of the Food and Drug Administration. The unfit portion was subsequently destroyed.

**6384. Adulteration of unshelled pecans. U. S. v. 155 Bags of Unshelled Pecans. Default decree of condemnation. Portion ordered delivered to the Food and Drug Administration; remainder ordered destroyed.** (F. D. C. No. 11293. Sample No. 25686-F.)

**LIBEL FILED:** December 10, 1943, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about November 4, 1943, by E. M. Boyles, from Thomaston, Ga.

**PRODUCT:** 155 bags, each containing 50 pounds, of unshelled pecans at Birmingham, Ala.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance and was otherwise unfit for food by reason of the presence of rancid, shriveled, wormy, moldy, and decomposed pecans.

**DISPOSITION:** February 14, 1944. No claimant having appeared, judgment of condemnation was entered and three bags were ordered delivered to the Food and Drug Administration; the remainder was ordered destroyed.

## OILS AND FATS

**6385. Misbranding of edible oil. U. S. v. 7 Cases of Table Oil. Default decree of condemnation and destruction.** (F. D. C. No. 11847. Sample No. 57967-F.)

**LIBEL FILED:** March 2, 1944, District of Colorado.

**ALLEGED SHIPMENT:** On or about December 17, 1943, by the Chicago Macaroni Co., from Chicago, Ill.

**PRODUCT:** 7 cases, each containing 4 1-gallon jugs, of oil at Denver, Colo.

**LABEL, IN PART:** (Jugs) "Italy Brand Table Oil Blend \* \* \* eighty per cent of vegetable oil and twenty per cent of pure olive oil."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the name "Italy Brand" and the statement "twenty per cent of pure olive oil," appearing on the labeling, were false and misleading as applied to the article, which consisted of corn oil and less than 20 per cent of olive oil; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Vegetable Oil" is not the common or usual name of corn oil.